

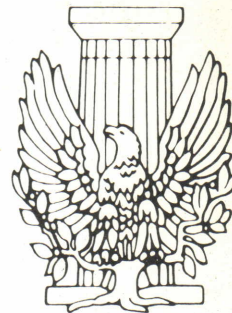
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May
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North Carolina's Land Policy Act





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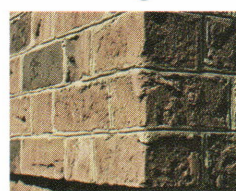
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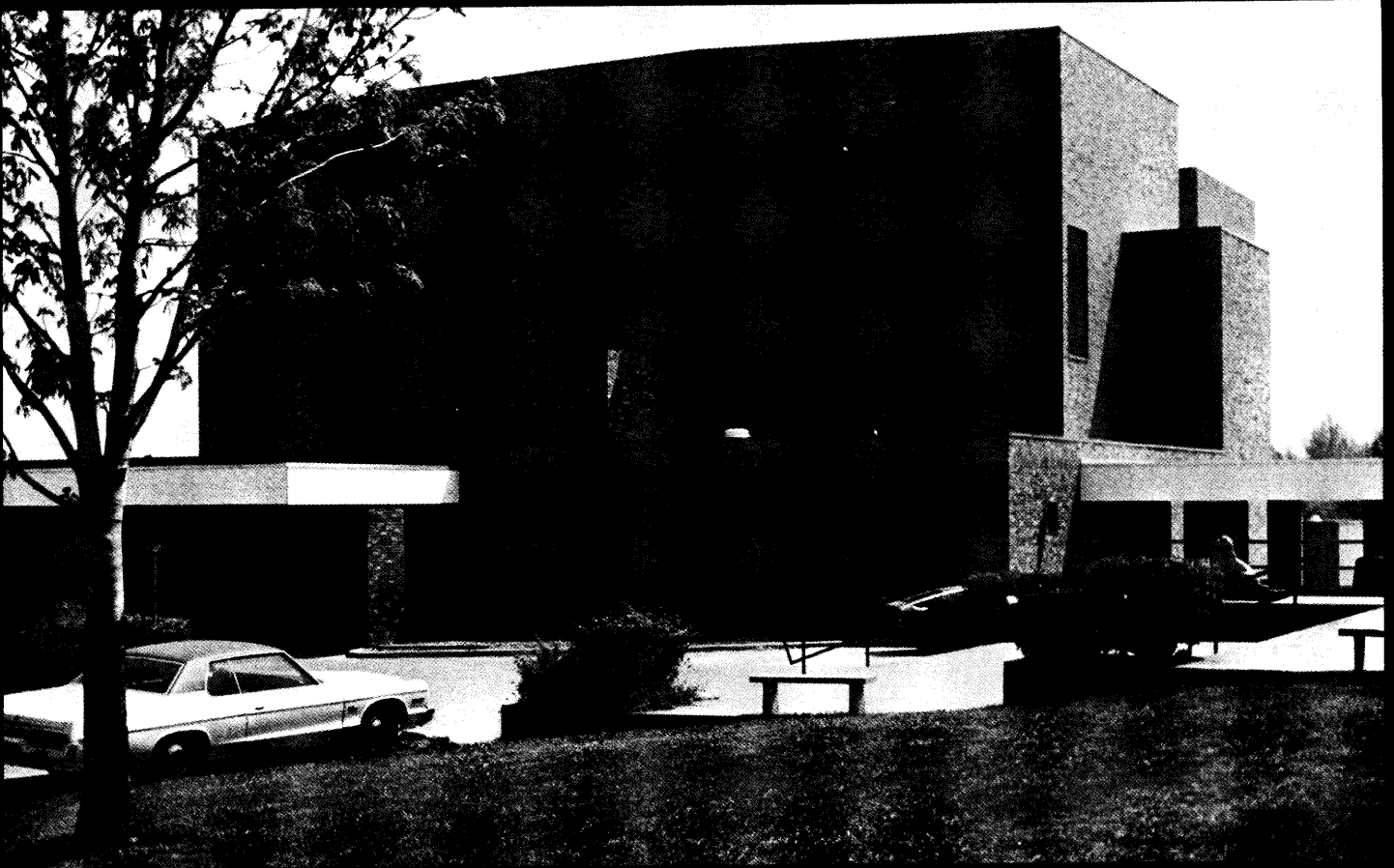
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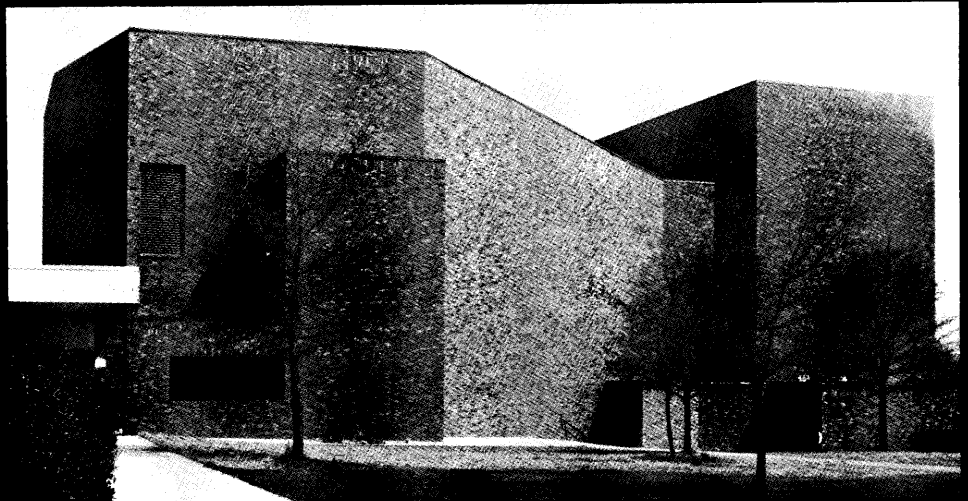
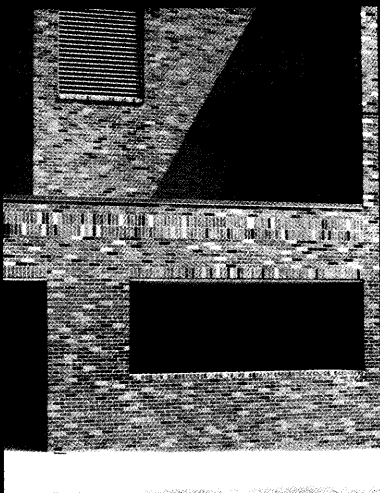
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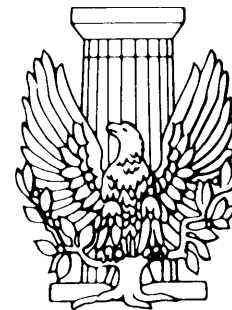
Structural Engineer:
Joseph E. Hunter, Jr. (Deceased)

General Contractor:
Robinson Builders — Mart

Masonry Contractor:
Master Masonry, Inc.

May
June 1976

Published by the
North Carolina Chapter of
The American Institute of Architects



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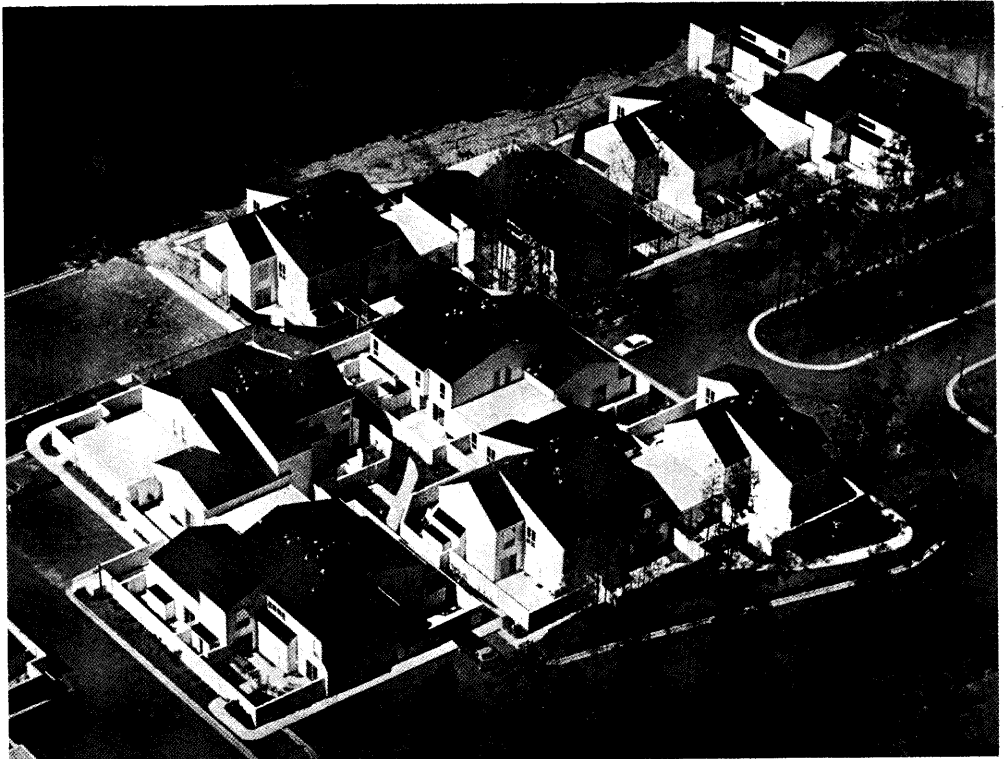
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CHARLOTTE FIRM WINS AWARD

Stonington Courtyard Homes on Lawyers Road in Charlotte, designed by Clark Tribble Harris and Li Architects, won an award of merit in the annual Homes for Better Living Awards program. The program is sponsored by the American Institute of Architects in cooperation with House & Home magazine, McGraw-Hill's business publication for the housing and light construction industry. The oldest and largest residential design program in the nation, it was established 21 years ago to upgrade the architectural design of housing by encouraging greater collaboration between architects and builders.

This year over 300 entries from all over the country were submitted. Two juries, one for custom homes and the other for merchant-built and multifamily housing, selected winners during a two-day judging session at AIA headquarters in Washington. Within the multifamily award category, Stonington was one of only three projects to receive an award for the entire East Coast. The townhouse project features private entrance courtyards, individually owned, and a variety of floor plans. The architectural firm of Clark Harris Tribble and Li received the award at the national AIA Convention in Philadelphia in May. Winning projects in the program will be published in House & Home beginning with the June issue.



WHAT BECAME OF JOHN JOHNSON?

by
Henry W. Lewis

At the height of his career and only forty-four years old, John Evans Johnson, the architect to whom are attributed two of America's most distinguished nineteenth century houses, disappeared from the records without a trace. (The two houses stand in Virginia today: Berry Hill — in the Greek Revival mode — near South Boston, and Staunton Hill in Charlotte County, a remarkable exemplar of the Gothic Revival.) Far too long Johnson has remained an elusive figure in American architectural history. Vague and conflicting references to him and to his work have appeared in books and articles about houses in Virginia and elsewhere for sixty years,¹ but little has been done to track down and verify the facts about the man and his career. This sketch summarizes the conclusions of one researcher, but it leaves many questions unanswered, not the least of which is what became of the man after he reached the age of forty-four.

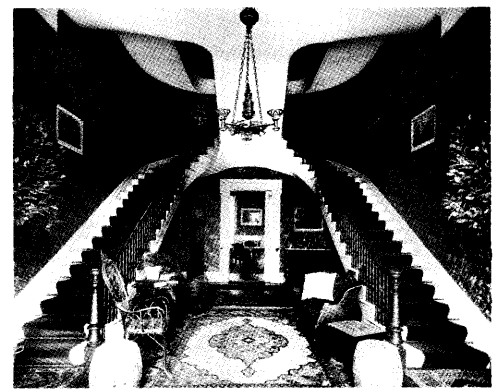
John E. Johnson was born on a plantation on the outskirts of Warrenton, North Carolina, in September, 1814, the son of Colonel William Ransom Johnson and Mary Evans. A few years after John's birth, Colonel Johnson, already a widely known figure in the racing world, moved his family some eighty miles north to Petersburg and thence to Oakland plantation in neighboring Chesterfield County, Virginia, where he continued to pursue the interest in race horses that earned him the title "Napoleon of the Turf."²

On July 1, 1830, by virtue of an appointment obtained through Congressman W. J. Archer, fifteen-year-old John Johnson entered the United States Military Academy at West Point as a classmate of Edgar Allen Poe.³ There he studied the usual courses in mathematics (including geometry), "shades and

shadows," and drawing. His record at the academy during his first two years was not distinguished, but he managed to keep his head above academic water and seemed to adapt himself to military discipline.⁴ On August 3, 1832, however, during the required summer camp, John was arrested for failure to obey instructions at drill, for which offense he was restricted to the camp and given extra tours at guard.⁵ Less than a fortnight later he was again arrested, this time for breaking bounds and disobeying orders. When court martialled, he was sentenced to be dismissed from West Point. Nevertheless, on October 23, through the intervention of President Andrew Jackson, the boy was reinstated.⁶ Soon, however, he absented himself without leave, and this time, on December 2, 1832, he resigned before he could be dismissed.⁷

Only eighteen years old, Johnson returned to Virginia and within a few months was married to seventeen-year-old Adelia Harrison Armistead of Petersburg. The girl's father owned land on Banister River in Halifax County, and it is apparent that the young couple settled there. In the late winter of 1834 Adelia gave birth to a son, William Royster Armistead Johnson, but the mother died on August 12, only a few months later.⁸ Tragically, John Johnson, at the age of twenty, was left a widower with an infant son. There is no documentary evidence on the point, but it is likely that the child was placed with his Armistead grandmother while the boy-father sought to establish himself in the world. Colonel William R. Johnson owned substantial tracts of land in Mississippi as well as in the Virginia counties of Chesterfield, Roanoke and Botetourt, but he was chronically in debt.⁹ Hence, it is unlikely that John received much financial assistance from his father.

Berry Hill, Halifax County, Virginia, entrance hall and stairway. *Cook Collection, The Valentine Museum, Richmond, Virginia, circa 1890-1900.*



The most frustrating gap in John Johnson's life story is the seven years following the death of his wife in the summer of 1834. The few facts discovered about him during the period only hint at what he may have been doing and where he may have been living: In 1838, D. H. Mahan, one of the young man's West Point instructors, published a book on civil engineering, which Johnson is known to have purchased. The copy bearing his bookplate remains in the possession of a collateral descendant in Virginia.¹⁰ Also, sometime in this seven-year gap, Johnson was married for the second time. His bride was Mary Truxton Swift, daughter of an able and popular mayor of Philadelphia.¹¹ Knowing something of his later career, it is tempting to theorize that Johnson spent at least part of the time following his first wife's death studying with some architect in Philadelphia, perhaps Thomas U. Walter.

The structure with which Johnson's name was first associated is Berry Hill in Halifax County, not far from the Banister River property on which

the Johnsons seem to have lived. Following the example of Thomas U. Walter's work for Nicholas Biddle at Andalusia, James Coles Bruce had an older house at Berry Hill remodeled in the Greek Revival style.¹² The original brick structure was cloaked by a majestic two-story stuccoed building of five bays, the distinguishing feature of which is a great eight-columned Doric pedimented portico that stretches across the facade. Flanking the house are matching offices — both temple-form with Greek pedimented porticoes supported by four columns. Inside the house a fine pair of stairs curve after a long run and meet above the door to the dining room.¹³ Of Berry Hill, Fiske Kimball once wrote, "Nowhere else, perhaps, is the ante-bellum plantation to be found in equal architectural magnificence."¹⁴

Johnson's intimate acquaintance with the Bruce family is abundantly documented¹⁵ — as is his reputation for "elegant taste"¹⁶ — and a reliable and often reiterated tradition holds that he played an important

role in the design and remodeling of Berry Hill.¹⁷ Available accounts of the tradition and a careful reading of the Bruce family's voluminous papers leave one with the impression that the idea of building a Greek Revival house was James C. Bruce's own, but the sophistication of the work — especially the portico — reveals the hand of a designer who was more than amateur. Yet John Johnson was only twenty-three in 1837 when some believe the work at Berry Hill was started,¹⁸ and he was only twenty-eight in 1842, the latest date at which that work could have been initiated.¹⁹ Despite his youth, there is no reason to doubt his connection with the structure even though his role has not been precisely defined.

During the course of the construction at Berry Hill, Johnson and his wife were living in Halifax County. There in 1843 he built a house for himself on land that had belonged to his first wife's family.²⁰ Although this house is a frame structure and far less elaborate than other places attributed to Johnson,



Berry Hill, Halifax County, Virginia (1842-43), exterior. *Virginia State Library, circa 1965.*

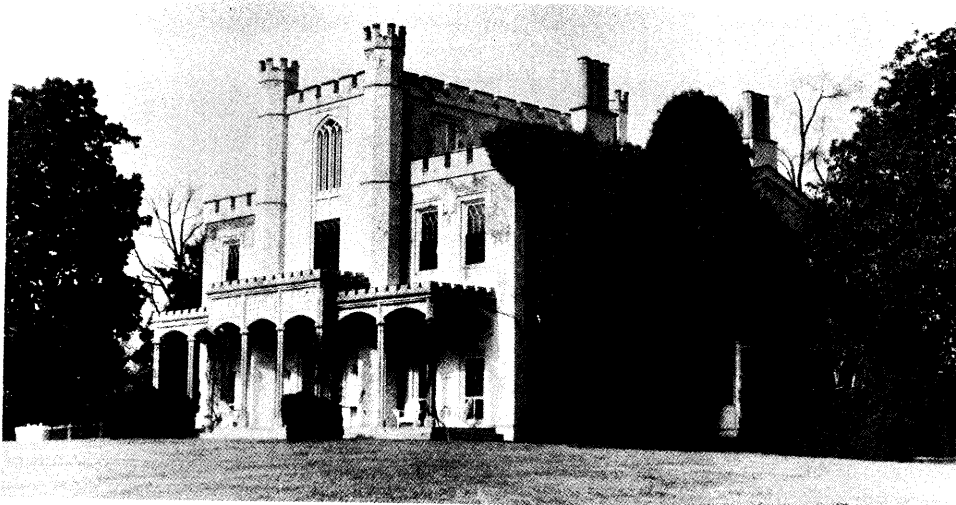
Longwood (now called Millwood) carries the imprint of its owner's taste — double flights of stairs that meet above the entrance to a principal room, well-planned service areas, fine molded plaster ceilings, and a heavy marble mantelpiece in the parlor. Outside he experimented with the Italianate and Tudor Gothic motifs characteristic of the period.

In October, 1844, Johnson's brother-in-law, General James West Pegram, president of the Bank of Virginia, was killed when the steamboat *Lucy Walker* exploded on the Ohio River.²¹ After paying a visit of condolence to his bereaved sister in Richmond, Mr. and Mrs. Johnson left Virginia to spend the winter of 1844-45 with the Swifts in Philadelphia,²² taking occasional trips to New York to hear the opera.²³ At the same time, Johnson was toying with the idea of visiting the lower South.²⁴ While he was away, his Halifax overseer carried on the farming operations at Longwood.²⁵ The man of "elegant taste"

enjoyed spending money as freely as did his father but showed far less skill at making it.

In March, 1845, when the two met in New Orleans, Colonel Johnson made James C. Bruce an interesting business proposition: If Bruce would buy Johnson's Botetourt lands, Johnson would then pay Bruce all that he and his son John owed him. Bruce knew the lands and was tempted to accept, but he refused to answer until he had a chance to examine the property in the following summer.²⁶ By that time, however, John Johnson's business affairs had reached a crisis. On August 30, he was forced to execute an assignment of all his assets for the benefit of his creditors, chief among whom was his friend James C. Bruce, both in his own right and as guardian for his young brother Charles Bruce.²⁷ Late that autumn, Colonel Johnson wrote his will but failed to mention his son John as a beneficiary,²⁸ probably rationalizing that whatever he left him would merely go to pay creditors.

At this point in Johnson's life young Charles Bruce became an important figure. After graduating from the University of North Carolina, Bruce studied law at Harvard,²⁹ returned to Virginia, and soon was engaged to marry Sarah Seddon of Fredericksburg. Before leaving for a European tour in 1848, Charles commissioned John Johnson to design and build a house for him at Staunton Hill, a large plantation in Charlotte County that Bruce had inherited from his father. Here, on the testimony of Senator William Cabell Bruce, Charles' son, Johnson had his first opportunity to give "free rein to his architectural Pegasus."³⁰ He produced a Gothic structure that remains one of the major monuments of Virginia's domestic architecture. Although it was projected to cost only \$25,000, when finished Staunton Hill had cost Charles Bruce \$75,000, not counting the value of the plantation labor he had furnished.³¹

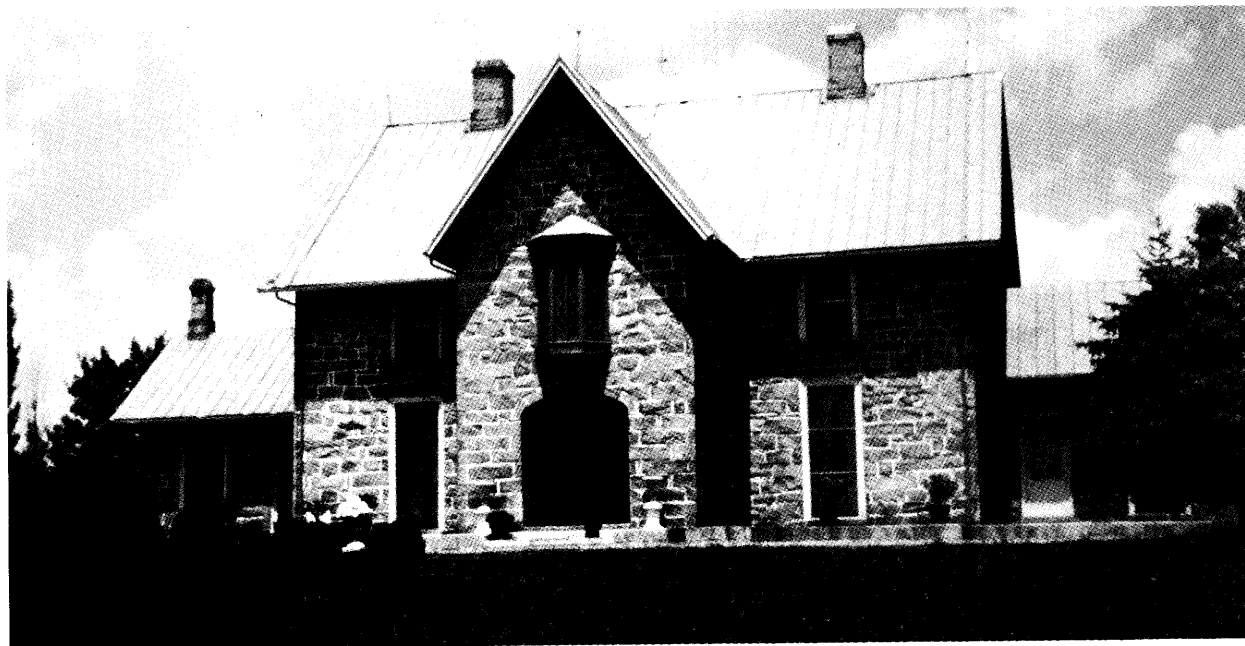


Staunton Hill, Charlotte County, Virginia (1848-49), exterior. *Library of Congress*, 1958.

Staunton Hill, Charlotte County, Virginia, detail of front porch. *Library of Congress*, 1958.



Tarover, Halifax
County, Virginia
(1854-55). Author's
photograph, 1975.



William B. O'Neal points out in *Architecture in Virginia* that Staunton Hill, "with its bay windows, its stained glass, its crenelations, its clustered colonettes and its pointed arches is among the 'finest Gothic Revival mansions in America,' and that it has the 'freedom of plan and asymmetry that were to become the principal characteristics of modern architecture.'" ³²

Throughout the work at Staunton Hill, Johnson maintained his residence in nearby Halifax County, and his friendship with the Bruces continued to flourish. When James C. Bruce's wife lay dying at Berry Hill in May, 1850, John and Mary Johnson were in constant attendance,³³ and when Mrs. Bruce died they remained with her husband in an effort to sustain him in that crisis.³⁴

Three years after the death of Mrs. Bruce, her son Thomas had the misfortune to lose by fire the house he and his young wife occupied at Tarover, a plantation located near Berry Hill. Although no documents to support the assertion have been found, it is generally agreed that John Johnson was again called upon to serve as architect for the Bruce family.³⁵ This time, however, he adapted the idea of another rather than devise an original design. From the 1850 edition of A. J. Downing's popular *Architecture of Country Houses*, he selected a plan that seemed to fit the Thomas

Bruces' needs and then proceeded to reverse it, install an additional set of stairs (a Johnson trademark), and otherwise modify its floor plan to resemble Berry Hill and his own house at Longwood. It stands today as a classic example in stone of a country house "in the pointed style."³⁶

Two years after work was started at Tarover, Johnson and his wife as well as his son William, who was then living in Philadelphia, disposed of all their Halifax County land. Most of it passed to James C. Bruce or to Thomas Bruce.³⁷ Whether these were cash sales or transfers to satisfy debts does not appear. What is clear, however, is that by the end of March, 1855, John E. Johnson had divested himself of all his Halifax property, and his name appeared no more in the records of that county.

So far research has disclosed only one piece of evidence of the man's existence after 1855: In James C. Bruce's business papers there is a copy of a letter dated July, 1858, in which Bruce reminded Johnson of a debt. But unhappily Bruce's clerk failed to include Johnson's address.³⁸ Clues and leads as to what happened to the forty-four-year-old architect have to date led only up blind alleys.

Finally, what sort of man was the elusive John Johnson? As a boy

at Oakland, where life was relaxed and full of sport and good food,³⁹ he grew to a physical size that belied his youth.⁴⁰ For a time he adhered to the routine of military school, but the free spirit of the overgrown boy could not resist the temptation to cross an arbitrary boundary and pick a few apples from his French instructor's garden — the offense for which he was dismissed from West Point.⁴¹ But that same spirit sent him to Washington where, on his own, he persuaded the Secretary of War to ask President Jackson to review his case.⁴² Whether he saw Jackson is unrecorded, but the boy won a second chance at the academy — an opportunity he muffed within a few weeks after his return.

Back in Virginia, Johnson was soon swept up in courtship and marriage at the age of 18. "Impetuous" and "self-willed" are words that come to mind in reviewing his career to that point. But will that impression stand in the light of the few recorded statements about him made by contemporaries? (Admittedly they were made when he was somewhat more mature.) Mrs. James C. Bruce noted 31-year-old Johnson's interest in travel and in hearing opera;⁴³ a young member of the Berry Hill household found Johnson, at 36, "the most odious man alive";⁴⁴ and one of his nephews merely said that "Uncle John was peculiar."⁴⁵ ■

The writer acknowledges the valuable assistance he received from Kenneth H. Cook in developing information on Johnson from the public records of Halifax County, Virginia.

NOTES

1. The following list, which is arranged chronologically, is illustrative, not exhaustive:
Robert A. Lancaster, Jr., *Historic Virginia Homes and Churches* (J. P. Lippincott Company, Philadelphia and London, 1915), 427-431, 435-437.
Edith Tunis Sale (comp.), *Historic Gardens of Virginia* (The William Byrd Press, Richmond, 1923), 297.
William Cabell Bruce, *Recollections* (King Brothers, Baltimore, 1936), 20 (hereinafter cited as *Recollections*).
Wayne Andrews, *Architecture in America* (Atheneum Publishers, New York, 1940), 64, 68-69.
Frederick D. Nichols, "Mansions That Merchandising Built," *Arts in Virginia*, VI (1966), 12-21.
"Berry Hill: House of Bruce," *The [Hampden-Sydney College] Record*, XLIII (1967), 1-4.
William B. O'Neal, *Architecture in Virginia* (The Virginia Museum, Richmond, 1968), 173 (hereinafter cited as *Architecture in Virginia*).
Jane McIlvaine McClary, "Berry Hill," *Spur of Virginia*, IV (1968), 42-50.
Kenneth H. Cook, "Part of 'Berry Hill' Was 200 Years Old This Year," *The Record-Advertiser*, Halifax, Virginia, December 17, 1970.
Kenneth H. Cook, "James Coles Bruce: Planter, Legislator, Christian," *The Record-Advertiser*, Halifax, Virginia, March 28, 1974.
Emmie Ferguson Farrar and Emilee Hines, *Old Virginia Houses: The Heart of Virginia* (Hale Publishing, Farmville, Virginia[?], 1974), 186, 206 (hereinafter cited as *Heart of Virginia*).
2. Stanley P. Tozeski, Chief of Archives, United States Military Academy, to the writer, February 23, 1971 (hereinafter cited as West Point archivist report); Johnson family genealogical records in the possession of Mrs. Robert E. Lee, Jr., Richmond, Virginia (hereinafter cited as Johnson genealogy); "William Ransom Johnson," *Dictionary of American Biography*, V, 130-131; Manly Wade Wellman, *The County of Warren, North Carolina* (The University of North Carolina Press, Chapel Hill, 1958), 68, 80; Elizabeth C. A. Blanchard and Manly Wade Wellman, *The Life and Times of Sir Archie* (The University of North Carolina Press, Chapel Hill, 1958), 35, 39-40; Lizzie Wilson Montgomery, *Sketches of Old Warrenton, North Carolina* (Edwards and Broughton Co., Raleigh, 1924), 9, 29-31, 362; Edward A. Wyatt, IV, "Newmarket of the Virginia Turf," *William and Mary College Quarterly* (Second Series), XVII (1937), 481, 488, 489.
3. W. J. Archer to John A. Eaton, Secretary of War, February 16, 1830, United States Military Academy Cadet Application Papers, 1805-1866, The National Archives; West Point archivist report, February 23, 1971; Hervey Allen, *Israfel* (Farrar & Rinehart, Inc., New York, 1934), 216-217.
4. West Point archivist report, February 23, 1971. In the words of one of Johnston's instructors, "... to the architect and draftsman a knowledge of 'shades and shadows and linear perspective' is indispensable." Charles Davies, *A Treatise on Shades and Shadows and Linear Perspective* (New York, 1848), iii-iv.
5. West Point archivist report, February 23, 1971.
6. Record of the Trial of Cadet J. E. Johnson of the United States Military Academy, Records of the Office of the Judge Advocate General (Army), The National Archives.
7. West Point archivist report, February 23, 1971.
8. The dates of Johnson's arrival in Halifax and of his marriage are deduced from certain other facts: Adelia Harrison,

- daughter of John Clayton and Lucy Ann Fanny (Harrison) Armistead, was born on April 21, 1816, and died on August 12, 1834. William Royster Armistead Johnson, only child of John E. Johnson's first marriage, was born on March 6, 1834.
"The Armistead Family," *William and Mary College Quarterly* (First Series), XIV (1905), 283-284; Virginia Armistead Garber, *The Armistead Family, 1635-1910* (privately printed, Richmond, 1910), 273; *Catalogue of the Matriculates of the College* (University of Pennsylvania), 186.
9. James Coles Bruce to Eliza Wilkins Bruce, March 15, 1845, Bruce family papers, University of Virginia Library, Charlottesville (hereinafter cited as Bruce Papers); records of administration of the estate of William R. Johnson, Will Book 18, pp. 329, 383-384; Will Book 19, pp. 304, 307; Will Book 20, pp. 6, 245, 471, 472; Will Book 21, p. 524; Will Book 22, p. 74, Office of the Clerk of Circuit Court, Chesterfield County, Virginia.
10. D. H. Mahan, *An Elementary Course of Civil Engineering for the Use of the Cadets of the United States Military Academy* (New York, 1837). Johnson's copy is now in the possession of Mrs. William B. Jerman (Mary Aglionby Johnson), Richmond, Virginia.
11. Johnson genealogy. Mary Truxton Swift's father, John Swift (1790-1873), was twice mayor of Philadelphia — from 1832 to 1841 and from 1845 to 1849.
12. Fiske Kimball, *Domestic Architecture of the American Colonies and of the Early Republic* (Dover Publications, New York, reprint, 1966), 182-183 (hereinafter cited as *Domestic Architecture*).
13. Berry Hill Inventory-Nomination, November 25, 1969, National Register of Historic Places, National Park Service, United States Department of the Interior.
14. Kimball, *Domestic Architecture*, 183.
15. Eliza Wilkins Bruce to James Coles Bruce, November 16, 1844, January 23, 31, February 3, 24, March 13, 16, 1845; James Coles Bruce to Eliza Wilkins Bruce, January 13, 29, March 15, 1845; Bruce Papers. John E. Johnson to William R. Johnson [Jr.], June 1, November 16, 1850, Pegram-Johnson-McIntosh Papers, The Virginia Historical Society, Richmond (hereinafter cited as Pegram-Johnson-McIntosh Papers). Sally Jones Brodnax to Alexander John Brodnax, May 18, 1850, Brodnax family papers in the possession of Mrs. H. Stuart Lewis, The Woodlands, Brodnax, Virginia (hereinafter cited as Brodnax Papers).
16. Bruce, *Recollections*, 20.
17. See publications cited in footnotes 1 and 12, *supra*, and also Talbot Hamlin, *Greek Revival Architecture in America* (Oxford University Press, London, New York, and Toronto, 1944), 191 (hereinafter cited as *Greek Revival Architecture in America*).
18. Mrs. Lee Shipman (Myrtle H. Bruce, great granddaughter of James Coles Bruce) to the writer, August 26, 1973, December 4, 1974. Some would date initiation of construction at Berry Hill even earlier; three reliable authorities suggest the house was built between 1835 and 1840. Kimball, *Domestic Architecture*, 182-183; O'Neal, *Architecture in Virginia*, 173; Hamlin, *Greek Revival Architecture in America*, 191.
19. This is the date specified in Susanne Williams Massie and Frances Archer Christian, *Homes and Gardens in Old Virginia* (Garrett and Massie, Richmond, 1957). It seems logically correct for James C. Bruce did not acquire title to the Berry Hill estate until late in 1841. See deed from Edward C. and Eliza H. Carrington to James Coles Bruce, October 4, 1841. Deed Book 47, p. 138, Office of the Clerk of Circuit Court, Halifax County, Virginia.
20. See deed from A. B. Spooner, Matilda W. Spooner, his wife, William H. Armistead, and John R. Armistead to John E. Johnson, June 10, 1844, which recites that the land conveyed is that "on which ... the said Johnson lately erected a dwelling and other houses." Deed Book 54, p. 586, Office of the Clerk of Circuit Court, Halifax County, Virginia.
21. Henry Clay to William R. Johnson, October 27, 1844, Pegram-Johnson-McIntosh Papers; Horace E. Hayden,

- Virginia Genealogies* (The Rare Book Shop, Washington, reprint, 1931), 314.
22. Eliza Wilkins Bruce to James Coles Bruce, November 16, 1844, January 23, 31, 1845; James Coles Bruce to Eliza Wilkins Bruce, January 13, 29, 1845; Bruce Papers.
23. Eliza Wilkins Bruce to James Coles Bruce, January 23, 1845. Bruce Papers.
24. Eliza Wilkins Bruce to James Coles Bruce, January 31, 1845. Bruce Papers.
25. See record of sales of Johnson's wheat crops at James C. Bruce's Meadsville Mill, November 25, 1844, and January 22, 1845. James C. Bruce, Personal Journal (July 25, 1844-May 29, 1851), 22, 34. Bruce Papers.
26. James Coles Bruce to Eliza Wilkins Bruce, March 15, 1845. Bruce Papers.
27. Assignment for benefit of creditors, John E. Johnson to Charles H. Cabiness for James C. Bruce as guardian of Charles Bruce and in his own right or as executor of James Bruce, deceased; Easley, Carrington and Company; and all and every other creditor of John E. Johnson, August 30, 1845. Deed Book 50, p. 618. Office of the Clerk of Circuit Court, Halifax County, Virginia.
28. Will of William R. Johnson, executed November 22, 1845, probated March 12, 1849. Will Book 18, pp. 268-270, Office of the Clerk of Circuit Court, Chesterfield County, Virginia.
29. *Alumni Directory* (The University of North Carolina, Chapel Hill, 1954), 113; Bruce, *Recollections*, 20; Katherine Kraft, Harvard University Archives, to the writer, May 1, 1973.
30. Bruce, *Recollections*, 20.
31. *Ibid.*
32. O'Neal, *Architecture in Virginia*, 173.
33. Sally Jones Brodnax to Alexander John Brodnax, May 18, 1850. Brodnax Papers.
34. John E. Johnson to William R. Johnson [Jr.], June 1, 1850. Pegram-Johnson-McIntosh Papers.
35. Kenneth H. Cook, "Tarover Was Last of Magnificent River Road Mansions," *The Record-Advertiser*, Halifax, Virginia, March 16, 1972; Farrar and Hines, *Heart of Virginia*, 206.
36. See "A Country-House in the Pointed Style," Design XXVI, figures 133, 134, 135, in Andrew J. Downing, *The Architecture of Country Houses* (Dover Publications, New York, reprint, 1969), 304-311. The book was first published in 1850 by D. Appleton & Co. For a comparable treatment of Downing's plan, see the McKinley house near Milledgeville, Georgia. John Linley, *Architecture of Middle Georgia* (The University of Georgia Press, Athens, 1972), 94-95.
37. See the following deeds: John E. Johnson to Thomas Bruce, March 8, 1855; John E. and Mary S. Johnson to David A. Claiborne, March 8, 1855; William R. A. Johnson (through his attorney-in-fact, John E. Johnson) to Thomas Bruce, March 8, 1855; Deed Book 56, pp. 25, 26, 27, 28, Office of the Clerk of Circuit Court, Halifax County, Virginia. Earlier Johnson had sold two tracts to James C. Bruce. Deed, John E. Johnson to James C. Bruce, December 30, 1852, Deed Book 54, p. 584, Office of the Clerk of Circuit Court, Halifax County, Virginia.
38. James C. Bruce letterbook (1858). Bruce Papers.
39. Edward A. Wyatt, IV, "Newmarket of the Virginia Turf," *William and Mary College Quarterly* (Second Series), XVII (1937), 489.
40. W. J. Archer to John A. Eaton, Secretary of War, February 16, 1830, *supra*, note 3.
41. Record of the Trial of Cadet J. E. Johnson of the United States Military Academy, *supra*, note 6.
42. *Ibid.*
43. Eliza Wilkins Bruce to James Coles Bruce, January 23, 1845. Bruce Papers.
44. Sally Jones Brodnax to Alexander John Brodnax, May 18, 1850. Brodnax Papers.
45. Interview with Mrs. William B. Jerman (Mary Aglionby Johnson), Richmond, November 11, 1973. Mrs. Jerman's father was John E. Johnson's nephew.

state land policy: new directions in planning?

by William Swindaman

William Swindaman is a member of the land policy staff in the Office of State Planning, Raleigh, North Carolina. He received his Master of Regional Planning degree in 1973 from the University of North Carolina, Chapel Hill, concentrating in land use planning.

The 1974 session of the General Assembly enacted two major pieces of legislation which suggest North Carolina has made a significant commitment to land use planning — the Coastal Area Management Act and the Land Policy Act. The commitment expressed in the coastal legislation is relatively firm and effects of the Act are already beginning to emerge as the Coastal Resources Commission moves ahead with implementation.¹

The Land Policy Act, while perhaps more comprehensive in scope than the coastal legislation, carries no direct powers of implementation. Its purpose is to develop land use policy recommendations. Implementation will depend on future action by the Governor, the legislature, and local governments. Impacts of the Act have not yet been felt nor its long range potential widely recognized because it is over a year away from implementation. This, however, does not decrease the need for citizens and public officials interested in land use to be aware of the Act's provisions and to be afforded opportunities for input into the activities of the North Carolina Land Policy Council.

the land policy act

"New Directions in Planning" is how State land policy has been characterized in the informational materials produced by the Land Policy Council. What new directions, if any, are likely to emerge from the Council's activities? How might land use decision-making in North Carolina be affected?

Governor Holshouser first established the Land Policy Council by executive order in August, 1973. The Council's early activities dealt chiefly with management of state-owned lands and on laying some necessary technical groundwork. Recognizing that "the land of North Carolina is

a resource basic to the welfare of her people," the General Assembly unanimously endorsed the passage of the Land Policy Act in April, 1974. A fourteen member Land Policy Council was created, consisting of the heads of eight state departments, four members of the legislature, including the Lieutenant Governor and the Speaker of the House, and two local elected officials, one each selected by the Association of County Commissioners and the League of Municipalities.

The Act also provides for a citizen's Advisory Committee on Land Policy, a twenty-four member body appointed by the Governor and composed of twelve municipal and county elected officials and twelve representatives selected from a range of land use-related interests. A major duty of the Advisory Committee is to assist the Council in securing public participation in the process of determining state land policy. Other duties include assisting and advising the Council on alternative policies and management techniques. The Advisory Committee has been meeting monthly since May, 1975, playing an active role in developing the citizen participation program and in reviewing and commenting on staff proposals before they are presented to the Council.

Primary duties of the Land Policy Council include preparing an information system, providing technical assistance and training, dealing with the impact of large-scale developments, identifying areas of environmental concern, and coordinating state and local land use-related programs. Its recommendations are to be presented to the Governor by July 1, 1976. The Governor, in turn, is to submit a proposed state land policy and the necessary implementing legislation to the 1977 session of the General Assembly.

state land policy—first draft

The primary products of the Council's activities are to be a State Land Classification System and a State Land Policy. The First Draft of a State Land Policy was completed in mid-October and was circulated for comments and suggestions.² The document addresses a wide range of land use issues including developmental problems, protection of particularly valuable resource lands, and land use aspects of various environmental quality issues such as air and water pollution and scenic quality. Particular attention has been given to institutional problems which result in poor land use decision-making.

The Council recognizes mere statements of policy will have no impact unless they serve as guides to decision-making. Therefore, an "action plan" is being devised which proposes specific strategies for implementing each of the stated policies.

The framework within which these land use issues are developed is threefold: (1) issues of "greater than local concern," (2) coordination of existing land use and land use related programs, particularly public investment, and (3) the use of locally formulated land use plans as a guide for state and even federal decision-making.

greater than local concern

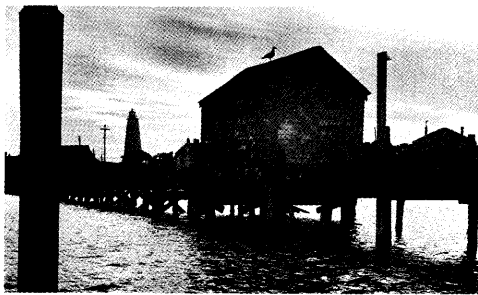
The Council finds that "In North Carolina, most decision-making powers affecting land use have traditionally been exercised at the local government level and this should continue to be the case." It recognizes, however, that "in certain situations the land use activity has an impact on more than the immediate local area, and a broader range of interests should be considered." Therefore, the Council has adopted the policy that the "State will become

involved in the local land use decision-making process only where issues are of more than local concern."

One of these areas is "key facilities." The Land Policy Act defines key facilities as "public facilities which tend to induce development and urbanization of more than local impact" including but not limited to



values that are particularly susceptible to damage if subjected to uncontrolled development. Included within this definition are fragile lands (wetlands, unique natural areas, and historic sites), hazard lands (floodplains and erosive areas, for example), renewable resource lands (areas best suited for farming and forestry), and



They include public and private projects performing essential public services and charitable institutions.

application of existing programs

One of the major purposes of a state land policy is to devise a way to apply the many existing programs in a more coordinated and mutually supportive manner. While some of



"major facilities for the development, generation, and transmission of energy, for communication, and for transportation." These facilities, which are funded largely by the state and federal government, can have a major impact on decisions made by the private sector. The location of a major highway and its associated access points, for example, or the construction of a regional wastewater treatment facility, can have a direct and profound impact on the use of the surrounding land and the potential for growth in the region. The proposed policies suggest that the public monies spent to provide these facilities should be allocated in a way that recognizes their potential land use impact. The Council has begun to define which public facilities meet the key facility definition and what mechanisms should be used to deal with their impact.

A second area identified as being of greater than local concern is "areas of environmental concern." These are lands which, according to the Act, are either hazardous for development or have important

mineral resource lands. These are all areas that possess characteristics important to the citizens of the entire state. The statewide significance of some of these areas has already been recognized with the passage of the Coastal Area Management Act. The Council has proposed specific policies aimed at the protection of these lands, and has recommended that "land use within areas of environmental concern should be regulated, and land procurement and facilities control be coordinated to achieve the protection goals for each area."

In addition to areas of environmental concern and key facilities, the Council has also identified "large-scale developments" and "projects of regional benefit" as being issues of greater than local concern. Large scale developments are private developments having more than local effect such as new communities, large shopping centers, major recreation facilities and subdivisions. Projects of regional benefit, while not having a great physical impact, do have effects that are felt over more than one unit of government.

the environmental areas may need the benefit of additional regulation, many of the issues can be dealt with by improved coordination of existing state and local regulations, by reorienting land acquisition programs, or by altering policies for the provision of public services and facilities.

A recent study by the land policy staff has identified 61 state programs in 12 departments which either directly or indirectly have a potentially significant impact on land use. These programs, operated by various agencies with different goals, understandably result in fragmented decision-making. Some programs have competing objectives which work at cross purposes. Others share similar objectives and activities, but, because of poor coordination, miss opportunities to support each other. It is felt that the existing programs can serve the needs for which they were originally enacted and help achieve broader state and local land use objectives as well.

Coordinating existing programs, particularly public investments, has been a concern voiced by the

Council throughout its deliberations and one which is reflected in several of the proposed recommendations. The Council recognizes the capability of state programs to influence growth and urges "the use of public investments, property tax, and regulatory programs by state and local government to guide the location and timing of growth." In reference to growth policy, key facilities, large-scale development, and areas of environmental concern, the Council places a strong emphasis on the need for a more systematic application of both public investments and regulatory programs.

Some state agencies have already taken positive steps toward coordination of these land use related programs. The land policy staff is currently analyzing these efforts with the intention of recommending specific organizational arrangements to achieve improved organization. Hopefully the result will be a simplified land use decision-making process which will not only permit the effective attainment of a broader range of public objectives, but will also prevent wasted time and funds on the part of the private sector. By speeding up land use decision-making, simplifying the permit process (there are currently over 20 different regulatory permits and licenses that may be required of a developer), and announcing in advance where public facilities are likely to be provided, potential land users will be able to conduct their business more efficiently. This is a "new direction" which should be welcomed by those in both the public and private sector who are concerned with the wise and efficient use of North Carolina's land resources.

primacy of local plans

A third concern emphasized in the draft policies is one encouraging

local governments to take the initiative in preparing their own plans as a guide to state and federal decision-making.

With this condition in effect, state agencies will be required to adjust their regulatory and investment programs so they conform to locally formulated plans. The state will become involved in local decisions only where there is a legitimate statewide interest.

A similar arrangement is envisioned with regard to the federal-state relationship. Just as many state agency programs occasionally conflict with each other or with local objectives, programs operated by the federal government often work at cross-purposes with each other or with state and local objectives. A recent report by the Council of State Governments notes that at least 137 federal programs have a direct impact on land use. The Land Policy Council has emphasized that "Federal legislation is needed to provide coordination for the various Federal agencies and programs related to land use, and to ensure consistency of Federal program action within the State." The Council further asserts that "the State and local governments of North Carolina are in a better position than the Federal government to ascertain the needs and desires of the people of the State." It expresses the hope the land use program being developed under the Land Policy Act will help convey North Carolina's interests to the federal government. Once a state program is in operation, "Federal decisions should take precedence (over state interests) only in cases of overriding national interest." Such an approach is already being implemented in North Carolina's coastal counties under the Federal Coastal Zone Management Act of 1972 (P. L. 92-583). The Council is suggesting joint federal-state

action to make a similar approach operative statewide.

Improved coordination is an often recommended, but seldom achieved goal. Fortunately, there are at least two encouraging signs which suggest improved coordination may be accomplished by the Land Policy Council. First, coordination has not been an afterthought. Simplifying and streamlining the decision-making process is a major component of the land policy work program and will be emphasized in the state land policy which the Council ultimately recommends to the Governor. A second factor which may foster greater coordination is the development of a land classification system. As we shall see, land classification has the potential to facilitate the coordination of public investments and regulations and to encourage intergovernmental coordination.

land classification

The Land Policy Act outlines several broad guidelines to follow in developing a land classification system. The system is to be divided between four and eight classes, defined on the basis of both the natural qualities of the land and the availability of public services. It is to include concise descriptions of each of the land classes, guidelines and procedures for the preparation and review of land classification plans, and procedures for reclassification and for appeals by property owners. The Council is directed to recommend a system, including the necessary implementing legislation, which can be implemented by January 1, 1979. The Act also requires that planning agencies in the state be given an opportunity to formally review and comment on the Council's proposals. If a majority of local planning agencies proposes a recommendation to change a proposal, the Council is required to amend the proposed system.

A third draft of the system, which suggests some general descriptions for the land classes and discusses its potential uses, was completed and distributed for comment in June, 1975. This draft³ is essentially the one adopted in February, 1975, by the Coastal Resources Commission as part of their *Guidelines for Local Planning in the Coastal Area*.



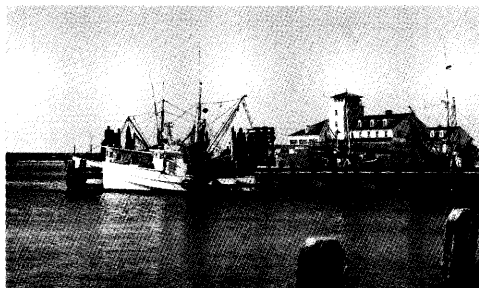
identify those rural communities where development will be encouraged, but not at a density requiring extensive urban services like public sewers.

Rural — Lands whose highest use is for agriculture, forestry, mining or water supply; and all lands which do not fall into any of the other four classes.

Conservation — Fragile, hazard, and others lands "necessary to maintain

agricultural, and which lands ought to be conserved. And, for the first time, the citizens of North Carolina will be encouraged to seriously consider what sort of future they envision for all of the state's land resources.

Of course, simply preparing 100 county land classification plans will



Under the Coastal Area Management Act of 1974.

The land classification system as described in the coastal guidelines is a preliminary one. The class definitions are admittedly imprecise and considerable refinement will be necessary before a system capable of being implemented statewide can be recommended. According to the land classification system outlined, all of the lands in each of the twenty coastal counties are to be placed in one of the following five classes:

Developed — Lands which are already developed at a gross density of at least 2,000 people per square mile and which have a variety of land uses that are provided with the necessary public services.

Transition — Lands where the local government plans to accommodate its projected growth for the following ten year period at a moderate to high density pattern of development and where necessary public services will be provided.

Community — Clusters of existing low-density development or areas where such growth will occur in the following ten years. This class is intended to

a healthy natural environment and necessary to provide for the public health, safety, or welfare."

While the coastal guidelines largely leave to local governments the problem of determining the process to be used in arriving at county land reclassification plans, land classification is clearly intended as a *planning process*. It involves an integration of land capacity considerations, estimates of future land needs, considerations of the fiscal capabilities in providing necessary public services, and local and state land use policies and objectives. As such, it will then result in county-wide planning throughout the state. This alone will be a significant step forward as many areas within the state with important resources support little or no planning activities.⁴

Land Classification will act as a catalyst, encouraging *all* the counties to begin making basic determinations about which areas are best suited for growth and are to be provided with urban services, which areas should remain rural or primarily

not determine the future landscape of North Carolina. As economist Kenneth Boulding has stated, "The world moves into the future as a result of decisions, not as the result of plans. Plans are significant only in so far as they affect decisions."⁵ Land classification has the potential to establish some new directions in decision-making as well as in planning. Hopefully, along with expressing preferences as to where growth should occur, local governments will also be making some basic commitments for future decision-making too. For example, the land classification plan can provide the framework for determining where water and sewer services are to be provided, where local investments for schools and recreation should be focused, and how local regulations are to be applied. Likewise, land classification, by establishing a broad planning framework which is consistent statewide, can serve to link local planning with state policy and with state agency decision-making. The policy objective of improving intergovernmental coordination could also be achieved

if state agency decisions over facilities funding and construction, land acquisition and management, and regulation were required to conform to local land classification plans. In addition, coordination between local governments can be encouraged as municipalities and counties work together in formulating the county land classification plan. And perhaps federal decision-making can be affected if land use policies are translated into physical terms and North Carolina is in a better position to substantively influence federal land use related decisions.

These are ambitious objectives. In order to achieve them, the land classification system must be a useful planning tool for local governments and must be accompanied by an administrative structure that will insure its utility as a coordinative device. Land classification is intended to be a broad-scale planning effort, particularly suited to the many areas in the state that have done little or no planning. The system is not intended to replace present planning activities at the local level. While it offers some real potential for improving land use decision-making in North Carolina, land classification is not designed to address the many detailed planning issues which must be resolved at the local level. At the same time, however, land classification is intended to function as a useful framework for, and serve as a way to coordinate, the many ongoing local and regional planning programs. As Elizabeth Haskell, a consultant to the Land Policy Council on organizational matters has stated, the goal is not to "simply add another overlay on the confused map of planning requirements already placed on local governments and the region."⁶ Rather, land classification must integrate these existing planning efforts.

conclusion

The land policies and the land classification system in draft form will be subject to additional staff work, public input, and consideration by the Land Policy Council and the Advisory Committee. These drafts do begin however, to suggest some new directions toward which the Land Policy Council is aiming.

If successfully implemented, the Land Policy Council recommendations will help ensure that land use issues of statewide concern are addressed. Critical environmental resources will be protected and the impact of major public facilities will be better managed. A basic level of local planning will be instituted statewide, and local planning will be linked with local, state, and even federal decision-making. The many land use activities of local and state government will be carried out in a more coordinated fashion as more consideration is given to their land use impacts.

Government is properly limited in the impact it can have on private land use decisions. But a state land policy, combined with effective local planning, can provide the means to balance private with public interests and environmental concerns with social and economic concerns. It can help guide both public and private decisions so that potential land use problems are avoided or addressed before they arise.

The policy work of the Council suggests what needs to be done. The question of how to enact the proposals remains unresolved. The Council has yet to determine, for example, how land classification can best be linked to local and state government decision-making, how the property tax and regulatory tools should be related to land classification, and what the respective roles of the city and county should be in producing a plan that is useful to

both. Perhaps the most difficult implementation issue is how to best provide the financial and technical resources necessary to assist local governments in their planning and management programs.

Whether any new directions in land use decision-making are actually achieved depends upon how the Land Policy Council resolves these problems of implementation and, ultimately, on the reactions of the Governor, the legislature, and local governments.

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from *Carolina Planning*,
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Footnotes

¹For a description of the Act see Arthur Cooper and Stuart George, "Coastal Area Management Act: Regional Planning for the State's Coastal Area," *Carolina Planning*, Vol. 1, No. 1, Summer, 1975.

²Copies of "First Draft of a State Land Policy" are available from the Land Policy Staff, Office of State Planning, 116 West Jones Street, Raleigh, N. C., 27603.

³Another draft reflecting additional staff work, proposals from the Advisory Committee on Land Policy, and the experiences to date of the twenty coastal counties, will be circulated for review and comment early in 1976.

⁴A recent survey by the land policy staff indicates that slightly over half of the State's counties and only about 40 percent of its municipalities have prepared a land use plan. Many of these are out of date or not utilized for decision-making.

⁵Kenneth Boulding, "Reflection on Planning: The Value of Uncertainty," *Technology Review*, October/November, 1974, p. 8.

⁶These comments are contained in a draft report presented to the Council in October and December 1975, entitled *Land Use in North Carolina: Governmental Organization and Coordination*, by Elizabeth Haskell with the assistance of Victoria Price.

a rejoinder: questions on north carolina land policy

by David Godschalk

David Godschalk is an Associate Professor in the Department of City and Regional Planning, University of North Carolina, Chapel Hill, where he teaches courses in regional land policy. He is a past Editor of the Journal of the American Institute of Planners.

In his article on new directions in state land policy, Bill Swindaman has presented a hopeful and positive view. For balance, some questions about the proposed North Carolina land policy approach need to be raised, if only in preparation for the questioning that will arise when the General Assembly considers the implementing legislation in 1977.

Land classification is intended to provide a broad, but uniform, statewide framework for local land use planning. Its approach differs from that taken by many other states in at least two ways. First, in drawing up its land classification system the North Carolina General Assembly has chosen an approach which will give local

In response to this charge, the land policy staff has begun the development of a "Land Use Information Service." Basic information needs for preparing land classification plans and for carrying out regional and state planning responsibilities have been identified. A *Catalogue of Land Related Information* has been prepared. This manual provides



At the time of its passage in 1974, the Land Policy Act was thought by many to be a "toothless tiger." Lacking concrete policy proposals and implementation powers, it seemed more like a rhetorical preamble to a land policy than a proposed solution to the state's development problems. Fortunately, the easing of development pressure due to the national economic situation gave us a breathing spell during which we could afford to make use of the three year study approach of the Act. During the past two years a well organized and energetic study effort has been mounted by the Land Policy Council staff, and the fruits of their labors are becoming available for inspection. Planners, public officials, and others affected by the policy must now critically examine the products of the Council's work, and decide about their utility and feasibility.

governments the opportunity to put together their own land use plans which will then form the basis of the state plan. Second, North Carolina's land classification system does not rely solely on regulation. Its goal is to encourage a statewide but locally administered planning process that can serve as a guide for state and local public investment decision-making, regulation, and perhaps, property taxation.

land use information

The Land Policy Act finds that in North Carolina there exists "a lack of systematic collection, classification, and utilization of information regarding the land resources." One of the stated purposes of the Act is, therefore, to "promote the development of methods for the exchange of land use, environmental, economic, and social information among all levels of government."

an index of a relatively large assortment of available information which might be useful to those involved in local planning. The manual allows for periodic updating, and is intended to be distributed to local and regional planning agencies, public libraries, planning consultants, and other interested organizations.

The land policy staff in conjunction with the North Carolina State University Computer Science Department, has also given considerable attention to exploring the feasibility of establishing a computer-based information system in North Carolina. The purpose of the system being considered is to provide a uniform structure which can be used to encourage consistency in the collection of land use related information. The intent is to provide a framework to encourage consistency in the many

ongoing and future data collection efforts, and provide for storing and making this information accessible to local planners and state agencies. Computer storage of current data in this standardized framework will create a valuable new reservoir of information that has not in the past been readily available for use in land planning and decision-making.

citizen participation

The Land Policy Act has made provision for public input through required public hearings, the establishment of the Land Policy Advisory Committee, and the formal review process for land classification that was mentioned earlier. According to the Act, at least six public hearings are required, two in each of the state's three physiographic regions. These hearings were in the Spring of 1976.

While the hearing process is a necessary and useful one it involves a limited number of persons and is scheduled somewhat late in the policy formulation process. Therefore, the Council has, in cooperation with the Land Policy Advisory Committee, made a more extensive effort to actively involve the public in the land policy program. Six workshops have been held across the state. Technical committees have been established to provide assistance in particular areas. Drafts of land classification system proposals and the state land policy have been widely circulated for comment. In addition, a series of slide shows, pamphlets, and questionnaires have been prepared for use in discussions with local civic organizations and various interest groups. Hopefully, through these and other means, the Land Policy Council and staff will gain an accurate understanding of how the citizens of North Carolina feel about the current efforts to

develop a state land policy. Likewise, it is also hoped that the public will become aware of the objectives of the Land Policy Act and of the need for more effective land use planning.

a policy or a patchwork quilt?

To this observer, the many "new directions" in the proposed approach are somewhat reminiscent of a patchwork quilt. It's almost as if the framers of the Land Policy Act were unwilling to leave out anything that another state had tried.

Thus, in the North Carolina proposal, the Hawaii land classification system is added to the Florida critical areas approach and parts of the Vermont development permit process are thrown in for good measure. The result is a land policy that is much more complex and less clear than that of these states, all of which have had limited success in carrying out even their simpler and more cohesive approaches.¹

A patchwork quilt can be beautiful and well designed, but great care and skill are required to avoid clashes between its disparate elements. This demands planning and administrative staff capacities at state, regional, and local levels to match the large responsibilities imposed by a complex and ambitious approach. In reviewing the North Carolina land policy proposal, questions should be asked about the potential effects of broad local decision-making autonomy, weak implementation power, very complex procedures and designations, great need but limited potential for financial support, and unclear measures for ensuring regional equity.

is local autonomy wise?

One of the distinctions claimed for the North Carolina approach is that it puts the authority and responsi-

bility for planning at the local level. Thus, the overall state land classification map will be a compilation of city and county maps, whose procedural adequacy — but not content — will be reviewed by the state. Even for an advocate of decentralized planning and decision-making, this is a breathtaking award of local autonomy.

Obviously, this will curtail state intervention in land policy decisions, but will promote good land classification decisions? Consider the record of local governments in North Carolina, which have had enabling legislation for planning and land use regulation for years but have done little effective planning or regulation outside the major urban areas. County planning is often weak in those rural areas which tend to attract large scale development, such as recreational subdivisions, super farms, and mining operations.

Do local planners really want autonomy, or do they simply want to share planning authority with state government? Local planners often call for strong state guidance, as a means of balancing a broader public interest against strong local development interests. It may be false to assume that local planners want the land policy buck.

From the viewpoint of private developers, even if all one-hundred counties adopt land classification plans, there may be serious questions about uniform treatment under a local autonomy approach. What will ensure that similarly situated land is treated similarly in different counties? Unless it is, there can be constitutional grounds for equal protection challenges in the courts, which could bog down the land classification process for years.

For implementation of state land policy, won't there have to be a

strengthening of planning at the state and regional levels, as well as the local level? The Swindaman article does not mention the first set of findings and policies in the October, 1975 Draft Land Policy, which states that "growth centers" should be designated to act as focal points for growth in their regions. This would appear to call

does not rely solely on regulation, but also encourages planning. Planning and coordination have been "encouraged" for many years; the results are all around us. Basically our system is one of competing interest groups, both public and private, who will coordinate voluntarily only when they can benefit.

the amendment process will be more firmly administered than in the centralized Hawaiian system.

is the approach too complicated?

The variety of elements in the proposal make it difficult to grasp, much less to administer, as a unified land policy. Despite the stated desire not to "add another overlay



for strong state government action, unless every crossroads community is to be designated as a growth center. As North Carolina knows from experience with the growth centers concept, it is hard to exclude any place from growth center status if the designation process is opened to local politics. The inescapable conclusion is that state and regional capabilities must be increased along with local capabilities; this has been evident in coastal planning, which involves only one-fifth of our counties.

where is the power to implement?

It is not clear how the land policy objectives will be achieved under the limited powers proposed. Swindaman notes that the policy

Presumably the regulative power will center around required land classification plans. But land classification (at least as used in Hawaii) is very much like zoning *writ large*, and zoning has not previously been effective in guiding development into planned patterns. The big question about land classification, as about zoning, is how difficult it is for a developer or entrepreneur to get it changed to fit his proposed project. Years of experience in Hawaii have shown that decisions on amendments, even when made by a state commission, tend to be decided on grounds outside the adopted policy guidelines, and that most amendment requests are granted.² When land classification decisions are made locally, it is hard to imagine that

on the confused map of planning requirements," the proposal will actually add several new overlays: land classification, areas of environmental concern (AEC's), key facilities, large scale developments, and projects of regional benefit.

Not only must these new elements be considered in relation to existing zoning and other land use regulations, but also they must be internally consistent. It is easy to visualize a host of potential conflicts between AEC's and land classification. Do we really need a "conservation" classification separate from AEC designation? Their definitions sound almost identical; both include fragile and hazard lands, though AEC's also include the renewable resource and mineral resource lands that are

covered by the "rural" classification. Do we really need both key facilities and projects of regional benefit, whose definitions are very similar? Do we really need five land classes; or would a simpler three classification system (urban, rural, and conservation) work better? In the final analysis, do we really need both comprehensive regulation by land classification and selective regulation by AEC's, etc.? Remember that in some Mountain and Piedmont counties the system may have to be administered by the local building inspector, who is expected in many Coastal counties to administer minor development permit approval under the Coastal Management Act. An uncomplicated approach would seem to be a must.

where will the funding come from?

One of the most practical questions about the proposal centers around its lack of visible means of support. Budgeting local staff salaries and state technical support for one-hundred county planning and regulation efforts is potentially more expensive than even a sizeable state planning office. Either increased funds will have to be taken from local tax revenues to pay for these new government activities, or new state or federal funds must be found. Unfortunately, the state fiscal picture is lean, and the steam seems to have gone out of the Congressional support for a national land use bill which would have provided federal funding for state land use planning. At the same time, the federal 701 planning assistance program, which provides direct support for local planning, has come under increasing fire and its future is in doubt. Will local governments be willing to allocate their limited revenue sharing funds to carry out state land policy? Can the state land policy program be piggy-backed on other federal

programs, such as 208 areawide waste treatment management? The fiscal viability of the proposed land policy must be squarely faced.

how will the regional welfare be assured?

In dealing with cases involving city and county growth management efforts, the courts have increasingly extended the concept of the general welfare from the local to the regional level. This was a key issue in the Ramapo, Petaluma, and Mount Laurel cases. It would be the basis for serious challenges to individual county land classification plans that ignore or pay lip service to regional needs.³

The equity issue is addressed in part in the Draft Land Policy, under projects of regional benefit. The stated intent is "to ensure that local policies and decisions do not act to the detriment of broader community needs." Projects of regional benefit are to serve both citizens of more than one locality and those who require public assistance. Examples given are charitable institutions and regional public service facilities. The policy recognizes that such projects are not always welcomed by local communities, and calls for state development of a decision process accessible to all those in the region affected by the project.

Is this sufficient? Regional welfare is not simply a matter of project location; it penetrates all land use and development decisions. Limiting the local growth rate affects the surrounding region, as does trying to increase the local share of projected growth by classifying an overly generous amount of local land in the "transition" category. The regional fair share concept includes not only charitable institutions and public service facilities, but also low and moderate income housing and employment oppor-

tunities. Can we afford to leave our regional planning agencies without a major role in carrying out state land policy?

work to be done

In reading the Swindaman article, you can't help noticing how many times the word "hopefully" is used to refer to anticipated effects of the proposed policy. At the same time, he recognizes that the hard questions of implementation are unresolved. My point is that implementation must be considered at the same time that policy is designed, if policy outcomes are to be workable.

My comments admittedly have focused on the hard questions, rather than on answers. They are not intended to downgrade the work of the Land Policy Council and its staff, who have been impressive both in their determination to meet the challenges of forging a state land policy and in the imagination and breadth of their recommendations. I too am hopeful that the questions raised will point out opportunities for strengthening an already vigorous proposal for a state land policy.

Footnotes

¹Godschalk, David R. (1975) "State Growth Management: A Carrying Capacity Policy." In R. W. Scott, D. J. Brower, and D. D. Miner (eds.), *Management & Control of Growth*. Volume III. Washington, D. C.: Urban Land Institute.

²Lowry, Kem, and Michael McElroy. (1975). "State Land Use Control: Some Lessons From Experience." Paper presented at AIP Annual Conference, San Antonio, Texas, October.

³Franklin, Herbert M., David Falk, and Arthur J. Levin. (1974). *In-Zoning: A Guide for Policy-Makers on Inclusionary Land Use Programs*. Washington, D. C.: Potomac Institute.

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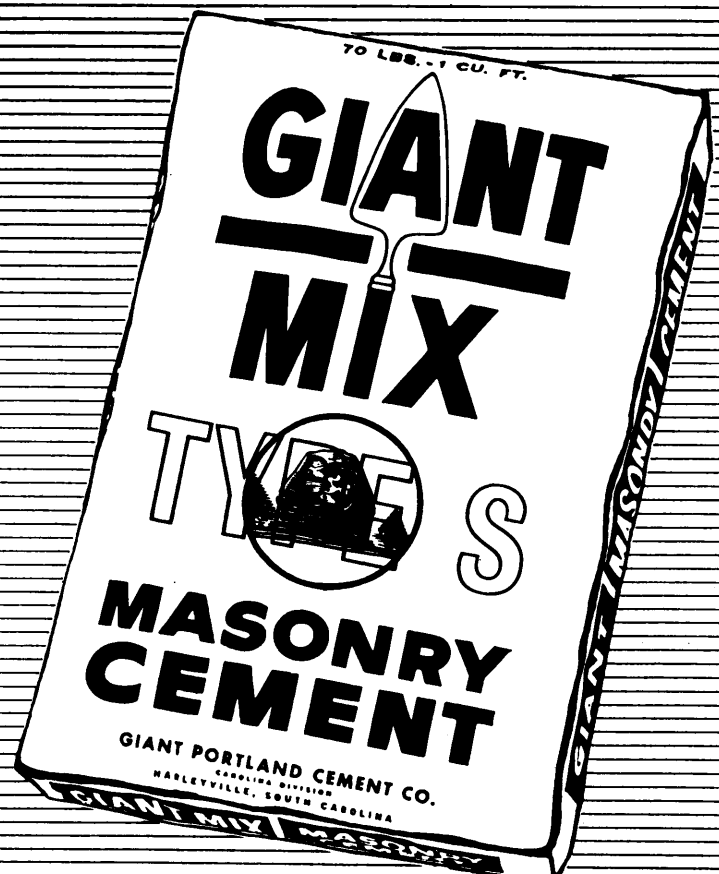
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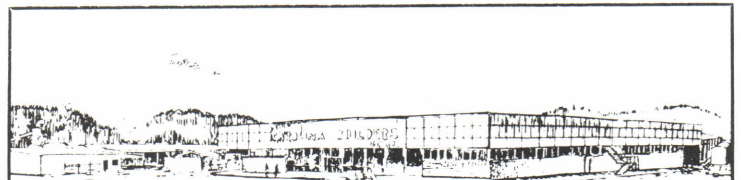


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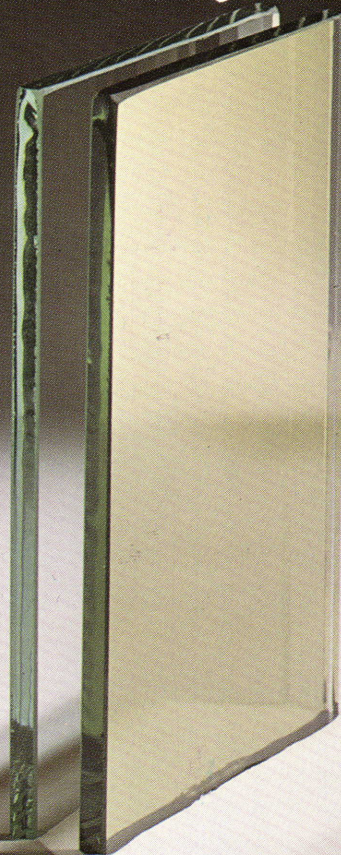
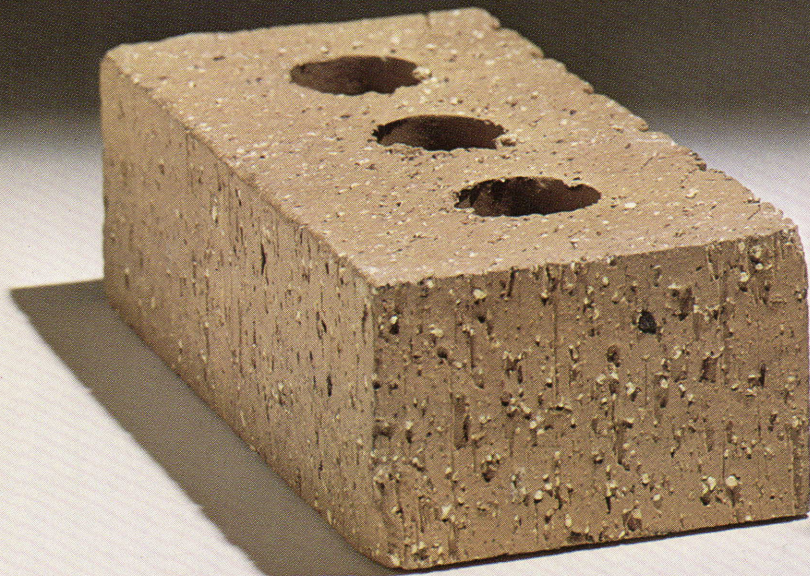
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We have reprints of the complete TSBMSTL report that we'll be happy to send you upon written request. We have also made a film, with the permission of the TSBMSTL, illustrating this study and its six conclusions. Our qualified technical representatives would appreciate the opportunity to show this film to you and your organization. Simply call or write:

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...of north carolina laws for the handicapped ?

Recent laws passed in North Carolina provide:

equal rights

N.C. Statutes 168 and 128-15.3

Handicapped persons—those with physical, visual, or mental disabilities—have a right to education, a job, a place to live, and a chance to enjoy themselves.

North Carolina laws ensure that the handicapped have a right to rehabilitation services and to equal opportunity for employment. State Government policies prohibit discrimination on the basis of any physical handicap and emphasize a positive attitude toward recruiting and hiring.

The handicapped have a right to access and use of transportation, streets, walks, buildings, and all facilities used by the public.

The blind have the right to keep and be accompanied by a guide dog. Drivers should watch out for the blind using a designated cane or with a guide dog.

parking privileges

N.C. Statute 20-37.6

Disabled people displaying a special license plate from the Department of Motor Vehicles may park for an unlimited time where parking is normally permitted.

curb ramps

N.C. Statute 136-44.14

Whenever new curbs are built, or old ones are reconstructed, each block must have at least two curb ramps connecting the sidewalk and the street.

tax credits

N.C. Sta. 105-130.5, 105-151.1, 105-130.22

To encourage building owners to remove barriers, tax credits are available for the cost of renovating an existing building to make it accessible to the handicapped. The renovation work must include grade level or ramped entrances, space to move around the public areas, and accessible toilet rooms.

Also, tax credits are available to owners of multi-family rental units for building units which conform to the handicapped section of the building code.

housing

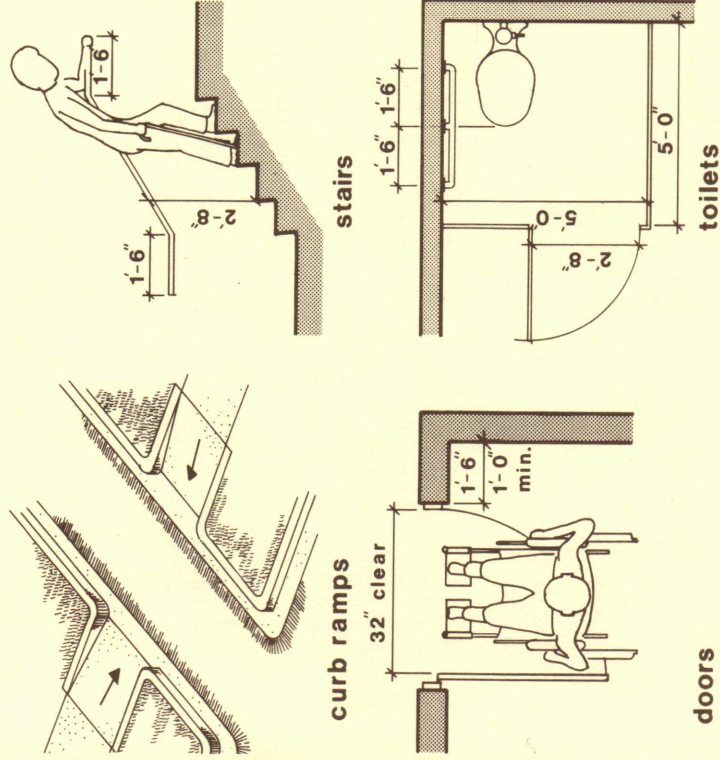
N.C. Statute 168

Handicapped people have the same rights to rental or leased housing as others and cannot be denied access to housing or charged extra for a guide dog.

...of the handicapped section of the north carolina building code ?

North Carolina has a uniform building code which regulates building construction to protect the health, safety, and welfare of the public. Recent modifications to the building code have established minimum requirements which affect the design of almost all new and remodeled buildings in the State to make them accessible to and usable by the physically handicapped.

These requirements have been fully illustrated in *An Illustrated Handbook of the Handicapped Section of the North Carolina State Building Code*.



The Special Office for the Handicapped has been established within the Engineering and Codes Division of the North Carolina Department of Insurance for the purpose of general administration of the building code requirements for the handicapped.

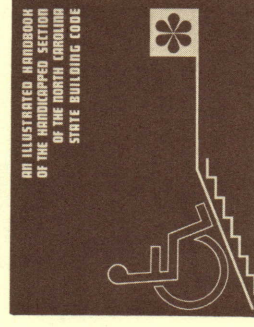
The Office is staffed full time by an architect in order to provide interpretations, technical advice, and information on compliance with North Carolina code and legislative requirements for the handicapped.

The Special Office also provides additional information on design solutions to the problems of handicapped people, encourages increased consideration for the needs of the handicapped beyond the minimal requirements mandated by the Building Code, and encourages and assists with modifications to existing buildings.

publications

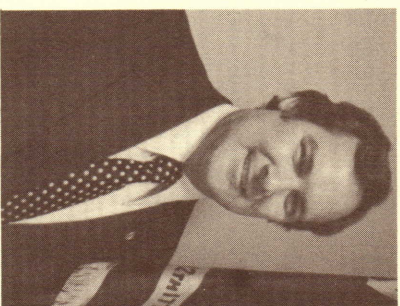
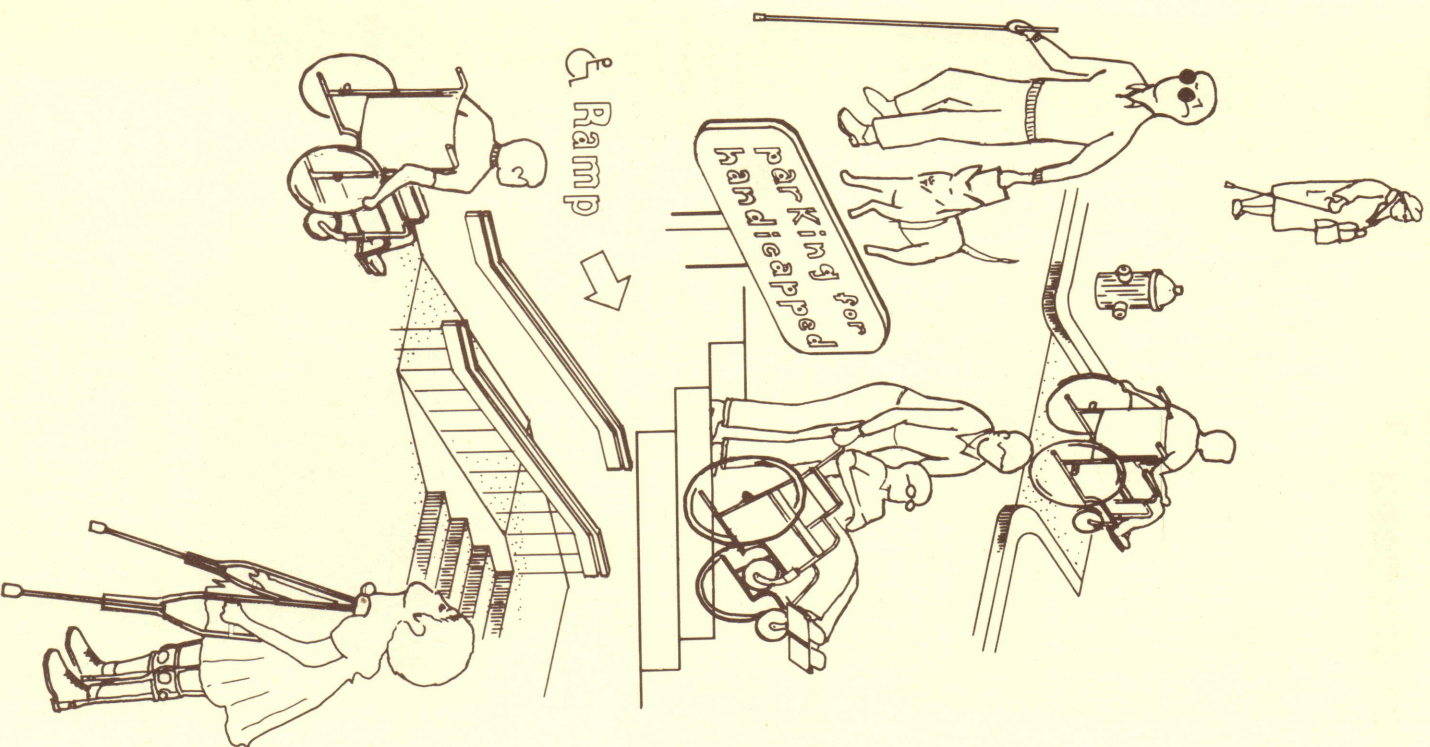
In addition to *An Illustrated Handbook*, the Special Office has produced *Accessibility Modifications: Guidelines for Modifications to Existing Buildings for Accessibility*. This new book is an illustrated working guide showing how to study a building, determine its problems, and make design recommendations for budget review and architectural implementation.

Both publications are available at a minimal cost from the North Carolina Department of Insurance, Engineering Division, P.O. Box 26387, Raleigh, North Carolina 27611.



additional information

For more information write or call:
Theresa Raper, A.I.A., Director
Special Office for the Handicapped
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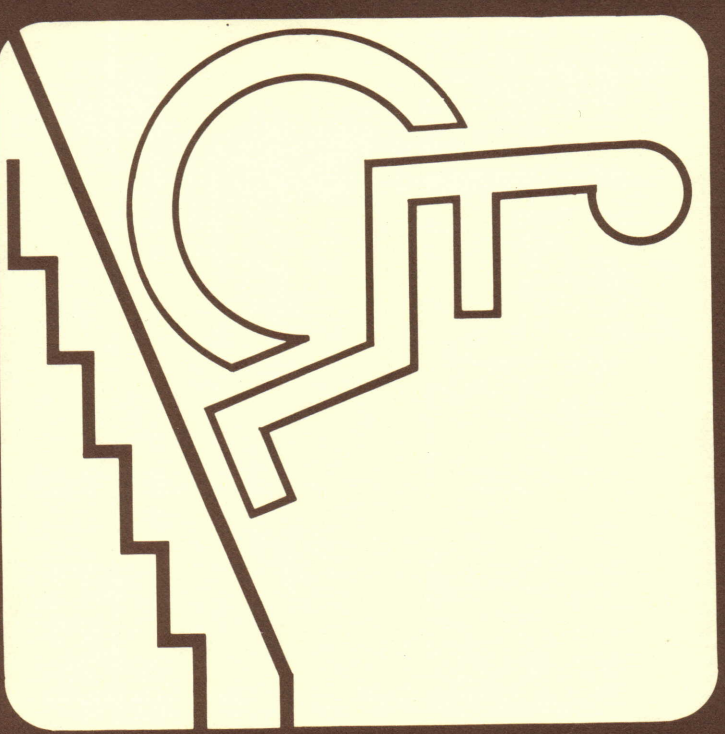
John Ingram
Insurance Commissioner

Commissioner of Insurance John Ingram's concern for the rights, safety and welfare of disabled people has been best demonstrated in the establishment of the Special Office for the Handicapped within the Engineering Division of the North Carolina Department of Insurance.

In working for guarantees of access and safety for handicapped people, Commissioner Ingram realized the need for additional information to assist the building industry in complying with the new requirements. He also realized the essential need for these requirements to guarantee equal and safe opportunities for all the citizens of North Carolina.

With this in mind he established the Special Office for the Handicapped to initiate a coordinated effort to inform the public of the new building code requirements and of the many abilities of handicapped people. Through the Special Office he has supported the development of educational materials and special programs which explain the requirements of the Handicapped Section of the Building Code and show not only *what* must be done to comply, but how and *why*.

With legislation guaranteeing certain rights for the handicapped, a strong building code, and the support of the Insurance Department, North Carolina is making progress in giving the handicapped equal opportunities.



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